

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LERIN HUGHES,

Case No. 24-CV-3045 (ECT/JFD)

Plaintiff,

v.

REPORT AND RECOMMENDATION

FCI WASECA; MICHAEL SEGAL, Warden; T. RAMLER, Dr. – Psychologist at FCI Waseca; J. REYNA, Dr. – Chief Psychologist; TURNER, Dr. – Psychologist; WUNDERLICH, Social Worker; PARRENT, Unit Manager; LINNES, Counselor; KOZIOLEK, Unit Manager; GOODIN, Chaplin; GRIFFEN, Chaplin; LINDER, Dr.; GABEL, Psychologist regional admin; COOPER, Regional admin; WUNDERSHID, CO; SIS UTT; and THE FEDERAL BUREAU OF PRISONS,

Defendants.

In an order dated July 31, 2024, this Court directed plaintiff Lerin Hughes to submit certified documentation from her prison trust account showing the average deposits to and balance of that account during the prior six months. *See* Doc. No. 3. That documentation is necessary for calculating the initial partial filing fee owed by Ms. Hughes in this matter. *See* 28 U.S.C. § 1915(b). Ms. Hughes was given 21 days to submit the required documentation, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has now passed, and Ms. Hughes has not submitted the required documentation. In fact, Ms. Hughes has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, consistent with the warning previously given to Ms. Hughes, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: September 4, 2024

/s/ John F. Docherty
JOHN F. DOCHERTY
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).